

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED KEETOOWAH BAND OF)	
CHEROKEE INDIANS IN OKLAHOMA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-04-340-RAW
)	
STATE OF OKLAHOMA, ex rel.)	
RICHARD GRAY, District Attorney in and)	
For the 27 th Prosecutorial District of)	
Oklahoma, and the UNITED STATES of)	
AMERICA, ex rel. GALE A. NORTON,)	
Secretary of the Interior,)	
)	
Defendants.)	

JOINT APPLICATION TO MODIFY JULY 10, 2012 AGREED ORDER

Plaintiff, the United Keetoowah Band of Cherokee Indians in Oklahoma (“Keetoowah Cherokee”), and Defendant, the State of Oklahoma *ex rel.* Brian Kuester, District Attorney in and for the 27th Prosecutorial District of Oklahoma (“State”), jointly apply to the Court for an Order modifying the July 10, 2012 Agreed Order to add the following provision:

In the event that Plaintiff must cease gaming activities at its Tahlequah, Oklahoma Gaming Facility on July 30, 2012 as a result of there having been no issuance of a land into trust decision concerning Plaintiff’s August 15, 2011 Amended Trust Application, Plaintiff may store the shut-down gaming machines in place at the Gaming Facility, and will not be required to immediately remove the gaming machines. If, at any time, an unfavorable land into trust decision is issued concerning Plaintiff’s August 15, 2011 Amended Trust Application, Plaintiff shall have thirty (30) days from the issuance of such unfavorable decision to remove all gaming machines from the Gaming Facility.

Respectfully jointly submitted this 27th day of July, 2012

s/ James C. McMillin

James C. McMillin, OBA #17206
McAfee & Taft A Professional Corporation
Tenth Floor, Two Leadership Square
211 North Robinson
Oklahoma City, Oklahoma 73102-7103
Telephone: (405) 235-9621
Facsimile: (405) 235-0439

ATTORNEYS FOR PLAINTIFF

s/ Neal Leader

(Signed by Filing Attorney with permission of Defendant Attorney)
Neal Leader, OBA # 5310
Assistant Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
Telephone: (405) 522-4393
Facsimile: (405) 522-0669

ATTORNEY FOR STATE DEFENDANT